GOVERNMENT OF INDIA
LABOUR AND EMPLOYMENT
LOK SABHA

UNSTARRED QUESTION NO:2369
ANSWERED ON:31.07.2017
Maternity Leave
Gopal Dr. K.

Will the Minister of LABOUR AND EMPLOYMENT be pleased to state:

(a)the steps taken/proposed to be taken by the Government to ensure that no employers in the private sector skip from paying paid maternity leave to women workers and alluring them that they will be re-employed after the maternity period; and
(b)whether by doing so these employers do not come under the ambit of violation of such rules and if so, the details thereof?

Answer

MINISTER OF STATE (IC) FOR LABOUR AND EMPLOYMENT
(SHRI BANDARU DATTATREYA)

(a) & (b): The Maternity Benefit Act,1961 (as amended from time to time) provides for very strict punitive actions against the employer if it fails to provide the benefits, including paid maternity leave to a working woman or discharges/dismisses her during or on account of her absence from work in accordance with provisions of this Act. Any aggrieved woman, an office bearer of a registered trade union of which such woman is a member, a voluntary organization registered under Societies Registration Act or an Inspector may file a complaint regarding commission of an offence under the said Act against the employer in any court of competent jurisdiction.

For enforcement of the provisions of the said Act, the appropriate Governments are authorised to appoint Inspectors which have been delegated powers to enter the premises for the purpose of examination of records and require production for inspection, examine any person or take copies of the records. The Inspectors have also been authorised to make inquiry and direct the employer to make payments wrongfully withheld or pass such orders as are just and proper.
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